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October 25, 1999



Chairman
Paul Pinault, P.F.

Paul Pinault, P.E. Executive Director

Rep. Vincent J. Mesolella

Mr. Chris Rascher
Office of Assistance and Pollution Prevention
U.S. EPA Region I
1 Congress Street, Suite 1100
Boston, MA 02114-2023

Re: NBC Project XL Proposal

Dear Chris:

Please find enclosed a revised Project XL proposal in response to your August 24, 1999 letter. This proposal addresses comments outlined in your letter as follows:

- 1-a) Section II of the proposal has been revised to explain in detail the scope and goals of NBC's Metal Finishing 2000 Program and how they relate to Project XL. Qualitative Metal Finishing 2000 criteria are outlined in Section II-B and quantitative criteria are outlined in Section II-C-1. The proposal presents, in both tabular and graphical format; environmental performance data that has been identified and analyzed to-date and explains how this data will be used to identify Metal Finishing 2000 participants. Section II-C-1 also identifies environmental performance indicators that will require further study, data collection and analysis as part of Project XL.
- 1-b) Section II-C-2 identifies quantitative environmental performance criteria above and beyond that required for Metal Finishing 2000 participation. A participating metal finishing company will need to meet these criteria in order to obtain regulatory flexibility through Project XL. In short while all Project XL participants will be Metal Finishing 2000 companies not all Metal Finishing 2000 companies may meet Project XL criteria.
- 2) Section II-D of the proposal discusses the Metal Finishing 2000 Program application review process. In summary each application is reviewed by NBC regulatory staff, RIDEM non-regulatory Pollution Prevention staff, and staff of EPA's NEEATeam. As part of the application review process both RIDEM and EPA, through their non-regulatory technical assistance offices, can run confidential regulatory compliance checks on each company. NBC is not prepared to modify either the Metal Finishing 2000 Program or this Project XL proposal to require compliance screening or inspections by EPA or RIDEM egulatory staff. The idea behind these efforts is to reduce the regulatory burden on exceptionally good environmental performers and to establish a cooperative working relationship with the industrial community

as a whole. Our various meetings and discussions with representatives of the metal finishing industry have indicated that if involvement by the industrial community in Metal Finishing 2000 and Project XL invites regulatory scrutiny - no companies will voluntarily participate.

- 3) This request for flexibility has been removed from the Project XL Proposal.
- 4) Section III A 3 address specific proposed activities.
- 5) NBC Voluntary Commitment #3 outlined in the August 26, 1999 letter is now under NBC Voluntary Commitment #4 in Section II E 1 of the revised proposal. This commitment has been changed to indicate NBC sampling of Tier II companies will be increased by one sampling event per year for each Tier II company. Sampling of Tier I companies will remain at the current two events per year.
- 6) Based on our review of environmental performance data on selected Tier II companies NBC feels that these goals can be reached provided these companies are given the incentives, technical assistance and regulatory oversight outlined in the Project XL proposal.
- 7) Environmental goals are outlined in detail in Section II E 2 and throughout Section III.
- 8) Any change in NBC's inspection procedures associated with SIUs will require regulatory flexibility through Project XL. Specifically, 40 CFR 403.3 (t) classifies all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I and N as Significant Industrial Users (SIUs) and 40 CFR 403.8 (f) (2) (v) requires the NBC to inspect and sample the effluent for each SIU at least once per year. Changes in how NBC regulates self-monitoring of SIUs will also require regulatory flexibility through Project XL. 40 CFR 403.12 (e) (1) requires all SIUs to sample and monitor for each categorical pollutant at least twice per year. In order for NBC to eliminate inspections of Tier I company and in order to reduce their self-monitoring requirements these regulations will need to be modified.

I hope this letter and the enclosed revised proposal address all your concerns. If you have any questions, please feel free to contact me at 401/222-6680 \times 352.

Sincerely,

James C. McCaugney/P.E. Pollution Prevention Manager